IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 18TH JULY 2007 / 27TH ASHADHA 1929

Bail Appl..No. 4357 of 2007()

CRIME NO.181/07 OF CHOKLI POLICE STATION

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PETITIONER:

RABEESH, S/O. BHASKARAN,
AGED 21 YEARS, PAVITHRAM, KAVIYOOR CHOKLI.

BY ADV. SRI.S.SREEKUMAR
SRI.P.MARTIN JOSE

RESPONDENTS:

STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 18/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. NO. 4357 of 2007

Dated this the 18th day of July, 2007

ORDER

Application for regular bail. The petitioner allegedly committed rape on the prosecutrix – a woman aged about 34 years, deaf and dumb and unmarried. It is alleged that in a bath room near a well the petitioner and the victim had sexual intercourse. Her sister, who came to the scene, saw the incident and it is through her a complaint was lodged. The allegation made by the sister is that the victim was gagged and sexual intercourse was indulged in. The incident took place on 23/6/07. The petitioner was arrested on 23/6/07. He continues in custody from that date.

2. The learned counsel for the petitioner submits that the investigation is almost complete. Even if the entire allegations were accepted, there are convincing indications to suggest that it could only have been consensual sexual

intercourse without the elements of the offence of rape. The victim has admittedly not been questioned so far. No injuries are suffered by the victim. In these circumstances, at any rate, there is no justification for the continued detention of the petitioner, submits the learned Public Prosecutor.

3. The learned Public Prosecutor does not seriously oppose the application. Subject to appropriate conditions, I am satisfied that the petitioner can be enlarged on bail.

4. **In the result:**

(a) The application is allowed.

(b) The petitioner shall be released on bail on the following terms and conditions:

(i) The petitioner shall execute a bond for Rs.50,000/- with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(ii) The petitioner shall make himself available for interrogation before the Investigating Officer on all Mondays and Fridays between 10 a.m. and 12 noon until further orders.

(iii) The petitioner shall not enter the jurisdiction of Chokli Police Station until further orders, except for the purpose of complying with condition No.(ii) above.

(R. BASANT, JUDGE)

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